

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.532 of 2021

Arising Out of PS. Case No.-10 Year-2018 Thana- FATUA District- Patna

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1. SANJEEV KUMAR @ BILLA @ BALLA s/o Ram Pravesh Yadav Resident of Village - Maksudpur, P.S. - Fatuha, District - Patna.
 2. Munna Kumar S/O Vishun Rai @ Vishun Yadav Resident of Village - Maksudpur, P.S. - Fatuha, District - Patna.
 3. Ranjan Kumar Son of Dina Yadav Resident of Village - Maksudpur, P.S. - Fatuha, District - Patna.
 4. Chandan Kumar S/O Dina Yadav Resident of Village - Maksudpur, P.S. - Fatuha, District - Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harish Kumar

For the Respondent/s : Mrs. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-03-2022 Heard learned counsel for the parties.

The matter relates to the same P.S. Case bearing Fatuha P.S. Case No. 10 of 2018. Vide order dated 02.11.2021, notice was issued to the respondent no. 2 in Cr. APP (SJ) No. 489 of 2021, in which office pointed out that notice has been validly served upon him.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 17.09.2020, passed by learned Special Judge SC/ST (POA) Act, Patna in connection with Special Case No. 14 of 2018 arising out of Fatuha P.S. Case No. 10 of 2018, registered under Sections 147, 148, 149, 341, 323, 504, 506, 337, 338, 307, 379, 427, 448 of the IPC, Section 27 of the Arms Act and Sections 3 (i) (r) (s) of the SC/ST Act.



Appellants are said to have abused and assaulted the informant.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellants. He submits that similarly situated co-accused has been granted bail by a Bench of this Court vide order dated 20.12.2018 in Cr. APP (SJ) No. 3812 of 2018. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State and opposes the prayer for bail.

Considering the facts that similarly situated co-accused has been granted bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Patna in connection with Special Case No. 14 of 2018 arising out of Fatuha P.S. Case No. 10 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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